

SEP 25 1991

Decision 91-09-059 September 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

James H. Soto,)
)
 Complainant,)
)
 vs.)
)
 Pacific Gas and Electric)
 Company,)
)
 Defendant.)

ORIGINAL

(ECP)
Case 91-05-017
(Filed May 8, 1991)

OPINION

Background

Complainant James H. Soto disputes a Pacific Gas and Electric Company (PG&E) bill in the amount of \$1,639.27 for alleged unmetered electricity consumed between July 9, 1987 and July 18, 1990. PG&E rendered the bill after its investigation into meter tampering at the Soto house.

A hearing was held on July 2, 1991.

Soto denies knowledge of unmetered usage and argues that all usage has been billed and paid for by him. He argues that any improper readings on the meter are likely due to a faulty meter.

Revenue Protection Representative Roberto Martinez testified for PG&E. A PG&E meter reader first noticed an unusual monthly level of consumption, around 9,000 kilowatt-hours (kWh), which is extremely high for a house of the size and type of Soto's, and was inconsistent with his historic usage. Because of this, the meter reader went back and checked the reading and the meter. At that time he noticed a tampered seal and misplaced meter hands.

Martinez entered the investigation at that point. He checked the tampered lead seal; the wire had been carefully cut at the lead piece, then the lead was drilled to allow the wire to be

inserted and the lead crimped to present the appearance of an intact seal. Close inspection revealed that instead of a normal PG&E crimp with the crimping tool number embossed on one side and "PG&E" on the other side, a plier or similar tool with no markings was used for the crimp. The seal on the retaining ring was also removed, which allows the glass dome to be removed and the meter hands accessed. Each meter hand is pressed onto a shaft, which rotates according to the indexing of the hands. There are five dials on the meter, which read, from right to left, ones, tens, hundreds, thousands, and ten-thousands, in kWh. All hands on the new meter read zero when it is installed. When electricity passes through the meter, the hands on the dials move to correspond to the total usage, and remain indexed to each other. As each lower hand moves from zero to ten, the next hand moves from zero to one. In this case, the thousand and ten-thousand hands were found to be off-index. In Martinez' opinion, this improper indexing was caused by someone moving the hands, resulting in the 9,000 kWh reading, which in turn resulted in the investigation into Soto's account.

Considering that the Soto residence is an all-electric house, located in Paradise, with neither natural gas nor propane for heat, with at least two adults resident most of the time, and considering the appliance load, Martinez believes the billed usage to be normal until August 1987. His summary of billed usage for Soto's account from April 1986 to November 1990 demonstrates that beginning with the August 1987 reading, the usage became sporadic and inconsistent with seasonal usage and with the prior year's usage. January 1987 usage was 2,019 kWh, yet January 1988 indicates 1,133 kWh, January 1989 only 336 kWh, and January 1990 only 371 kWh. Notably, August 1988 indicates only 34 kWh, compared to 665 kWh and 493 kWh for August of 1986 and 1987, respectively. Martinez states that 34 kWh would be a typical usage for only cooking, without allowing for refrigeration, lights, and other household uses. Soto's appliance load consists of two

refrigerators, a washing machine and dryer, two baseboard heaters, and other small appliances and lights. Based on the appliance load, Martinez believes that the minimum usage would be around 600 to 800 kWh per month during the summer months, increasing in the winter. To check this assumption, Martinez read the meter five times in July and August 1990; the result was an average daily usage of 27.2 kWh, which corresponds to 816 kWh for a 30-day month.

The meter was tested by PG&E and found to be operating within the limits of accuracy prescribed by PG&E's tariffs, which are approved by the Commission. Soto requests that the meter be tested by Weights and Measures; he may arrange for such a test at his own expense. The Commission will not require PG&E to pay for the test, which would be duplicative. PG&E's test was performed under procedures and controls authorized by the Commission.

Soto also requests that PG&E review his usage at five other Paradise houses he has lived in. We see no value in this; the size of house, location, appliance usage, and period of residence are all different, so the information would have little probative value in this case. We are only concerned with determining the usage at his current residence.

Martinez presented a thorough and complete examination of the circumstances surrounding the account. Soto offers only possible meter error as the cause. The meter tested accurate. Meters that malfunction do not return to accurate operation, and the malfunction results in lower, not higher readings. Soto suggests that the hands could have moved as a result of a board falling on the meter. We believe this to be highly unlikely; the hands on the dial are much too tight to allow them to move without significant force. But even if they moved, that would only explain the single high reading of 9,000 kWh; it would not explain the sporadic and extremely low usage pattern beginning with the August 1987 meter reading.

We conclude that unmetered electricity was consumed at Soto's residence.

We now consider the estimate of the usage during the backbilling period. Martinez based his calculations on the recorded year beginning March 6, 1986 when Soto began service at the house. The usage for each month of backbilling is based on the usage per day for the corresponding month of that recorded year. The amount billed and paid is subtracted, and the net remaining is the amount to be backbilled. We find the method to be reasonable, but the period exceeds the three-year limitation of Public Utilities (PU) Code § 737. Consequently, we will reduce the amount determined by Martinez to correspond to three years.

We reduce the adjustment for July 1987 by nine days, for July 9 to 18, 1987. We calculate the bill reduction to be: \$5.47 ($9/32 \times (\$51.42 - \$31.97)$).

We find that Soto owes PG&E a three-year backbilling amount of \$1,639.27 less \$5.47, or \$1,633.80.

Since this complaint is filed under our expedited complaint procedure, no separate findings of fact or conclusions of law will be made.

ORDER

IT IS ORDERED that:

1. Within 30 days of the effective date of this order, Pacific Gas and Electric Company and James H. Soto shall negotiate a payment arrangement for the collection and payment, respectively, of \$1,633.80. If a payment arrangement is not entered into, then the entire \$1,633.80 shall be due and payable 30 days after the effective date of this order.

2. Except to the extent granted, the complaint in Case 91-05-017 is denied.

This order becomes effective 30 days from today.

Dated September 25, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

I abstain.

/s/ G. MITCHELL WILK
Commissioner

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director